



Preliminary hearing appeals are limited by K.S.A. 1996 Supp. 44-534a to the following issues:

- (1) Whether a worker sustained accidental injury.
- (2) Whether the injury arose out of and in the course of employment.
- (3) Whether notice and claim were timely made.
- (4) Whether certain defenses apply.

The Administrative Law Judge did not exceed her jurisdiction and authority by ordering, for preliminary hearing purposes, the outstanding medical bills paid as authorized medical expense. K.S.A. 1996 Supp. 44-534a authorizes the Administrative Law Judge to address medical treatment issues at preliminary hearing, including those pertaining to whether the treatment should be considered authorized or unauthorized. The Appeals Board may not reweigh that evidence at this stage of the proceeding. However, the issue may be reserved by the parties and addressed at the time of final award.

Based upon the above, the Appeals Board finds it lacks jurisdiction at this juncture of the proceeding under both K.S.A. 1996 Supp. 44-534a and K.S.A. 1996 Supp. 44-551 to address the issue whether claimant's outstanding medical expense was authorized or unauthorized.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that this appeal should be, and hereby is, dismissed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of May 1997.

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BOARD MEMBER

c: Robert R. Lee, Wichita, KS  
Clifford K. Stubbs, Lenexa, KS  
Nelsonna Potts Barnes, Administrative Law Judge  
Philip S. Harness, Director